

REMARKS

Supplemental Preliminary Amendment

The claims have been amended in order to clarify the treatment in (e), as supported at page 7, lines 3-16 of the specification. Moreover, new claims 53-55 have been added to an embodiment of the invention disclosed in Example 3, at page 9, lines 28-29 of the specification.

Requirement for Restriction

In response to the Requirement for Restriction, Applicants hereby elect Group II, claims drawn to the coated optical substrate. The Requirement for Restriction is respectfully traversed.

The Requirement for Restriction is respectfully traversed inasmuch as the claims of the elected group, drawn to the optical substrate, are related to the method of preparation claims of Group I as combination to subcombination, inasmuch as the combination (substrate) claims *require* all the elements of the subcombination (method of preparation) claims. The product claims require all the elements of the preparation claims inasmuch as the product claims require a product "produced by the process of [the method claims]." In view of this usage of product-by-process language, it is not possible to make the product by a different process, inasmuch as the process is explicitly recited in the product claim. In such a situation, the M.P.E.P. *requires* two-way distinctness to support the Restriction Requirement. As above, however, such distinctness *cannot* be shown. See M.P.E.P. §803.

Moreover, while it is recognized that the claims might arguably also be related as process of making and product made, as argued in the Restriction Requirement, the M.P.E.P. states that, where "plural inventions are capable of being viewed as related in two ways, *both* applicable criteria for distinctness must be demonstrated to support a Restriction Requirement." (Emphasis added.) See M.P.E.P. §803.01. Thus, since two-way distinctness cannot be demonstrated, and such is required to support the Restriction Requirement on at least one applicable basis, it is submitted that the Restriction Requirement should be withdrawn.

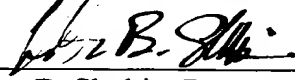
Finally, should the Restriction Requirement still be maintained, it is submitted that, upon the allowance of the elected product claims, the process claims should be rejoined for

examination under M.P.E.P. §821.04.

A prompt action on the merits is respectfully requested.

No fee is believed to be due with this response, however, the Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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